## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KENITH BURDETT,	)
Plaintiff,	) )
VS.	)
BANK ONE, N.A., CHARTER ONE	) CASE NO.: 2:05-cv-499-DRI
BANK, N.A., LUANNE MIXON, KEITH MIXON, et al.,	)
Defendants.	)

## MOTION FOR REMAND

COMES NOW the Plaintiff, KENITH BURDETT, and moves this Honorable Court for an Order remanding this matter to the Circuit Court of Barbour County, Alabama where it was originally filed. Plaintiff contends that the removal of this case was improper because no federal diversity jurisdiction or other federal jurisdiction of any kind exists on the face of the Complaint.

WHEREFORE, premises considered Plaintiff respectfully requests that this Honcrable Court remand this cause to its original forum in the Circuit Court of Alabama, for further proceedings and disposition. Plaintiff prays for such other, further, and additional relief to which he may be entitled, the premises considered.

So moved, this the 7<sup>th</sup> day of June, 2005.

EARL P. UNDERWOOD, JR. (UND008)

Attorney for Plaintiff

## OF COUNSEL:

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## **CERTIFICATE OF SERVICE**

I hereby certify that on June 7<sup>th</sup>, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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